



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,901	12/17/2003	Boris A. Maslov	544092000122	4049
25227	7590	02/21/2006		
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			EXAMINER COLON SANTANA, EDUARDO	
			ART UNIT 2837	PAPER NUMBER

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/736,901	Applicant(s) MASLOV ET AL.	
	Examiner Eduardo Colon Santana	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-11 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 10 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/17/2005</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> . |

Art Unit: 2837

DETAILED ACTION

1. Applicant's amendment filed on 11/10/2005 have been received and entered in the case.
2. Applicant's amendments with respect to the claims have been considered but are not persuasive.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 5/17/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

4. The replacement sheets of drawings of figure 2 and 8 were received on 11/10/2005. These drawings are acceptable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimizu JP Patent No. 2002186120 A.

Referring to claims 1 and 8, Shimizu describes a controller for electric automobile (see figure 1 and respective portions of the specification). Shimizu further depicts from figure 1, an electric vehicle controller for one or more in wheel adaptive

Art Unit: 2837

electric motors (30-37), having their own motor controller (2-5), which independently control its electromagnetic circuits (phases) through independent power circuits (inverters 10, 10'; 11, 11'; 12, 12' and 13, 13'), which energizes each electromagnetic circuit independently therefor eliminating electromagnetic and electrical interference between the circuits.

As to claim 5, Shimizu addresses the similar limitation of claim 1 above and in addition depicts in figure 1 an adaptive motor controller for an electric vehicle in which a main controller (1), periodically senses various driver inputs (i.e. acceleration, braking, shift position, etc. items 14-19) and sensor inputs for each motor system (i.e. speed sensor, position sensor, etc.) to allow a torque/speed/efficiency characteristic to be dynamically adapted to changes in one or more of inputs mentioned above.

Referring to claims 2, 3, 6, 7 and 9, Shimizu depicts from figure 7, the basic structure of the electric power vehicle, in which an internal combustion engine (201) is arranged in a series configuration with one or more electric motor (101) and connected to an electric generator (202). In addition a fuel cell (302) is also arranged in a series hybrid configuration. However, Shimizu depicts section A in figure 7 as being a section representing each independently controlled electric motor, including a separate battery (104).

Art Unit: 2837

As to claim 4, Shimizu depicts in figure 7, the basic structure of the electric power vehicle in a series hybrid configuration (A). One ordinary skill in the art would recognize that to implement a parallel series hybrid configuration with one or more electric motors, an internal combustion engine (201) would be needed to work together as two separate systems in the same car.

Referring to claim 10, Shimizu addresses all the limitations as described above in claims 6, 7 and 9, in addition to having a central controller (1), that controls operation of the motors, batteries and gasoline engine (see figure 1). In addition the controller receives input from a user interface regarding function as brake, steering, shift position, acceleration.

As to claim 11, the method steps are inherent in the product structure as described above in claims 1, 5 and 8. Further discussion is omitted.

Response to Arguments

6. Applicant's arguments filed 11/10/2005 have been fully considered but they are not persuasive.

It is believed that the amended claims as presented do not overcome the previous rejection.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., two or

Art Unit: 2837

more power circuits; separate power circuits) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In regards to the amendments to claims 1, 5, 8 and 11, which recites "...electromagnetic circuits... that provide power to at least one or more motor and/or generator". It is well known to one ordinary skill to have a control circuit, which controls the electromagnetic circuits (phases) so each are energized (powered) to rotate (operate) a motor and/or generator.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

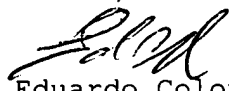
Art Unit: 2837

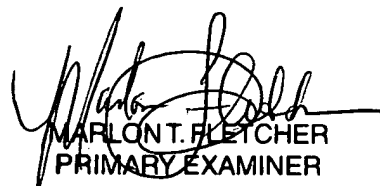
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eduardo Colon Santana whose telephone number is (571) 272-2060. The examiner can normally be reached on Monday thru Thursday 6:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 X.33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ECS
February 6, 2006


Eduardo Colon Santana
Examiner
Art Unit 2837


MARLON T. FLETCHER
PRIMARY EXAMINER